

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

AMERICAN GENERAL LIFE
INSURANCE COMPANY,

ORDER

Plaintiff,

07-cv-500-bbc

v.

ELLA SCHREIBER, NERIMAN
SCHREIBER, CLAIRE SCHREIBER
and ROBERT SCHREIBER,

Defendants.

In this case, the defendants dispute who is entitled to the proceeds of a life insurance policy issued by plaintiff American General Life Insurance Company to the now deceased Michael L. Schreiber. Defendant Ella Schreiber has moved for summary judgment. However, her motion must be denied at the outset for her failure to comply with this court's summary judgment procedures, a copy of which was sent to her lawyer with the magistrate judge's preliminary pretrial conference order entered on January 25, 2008.

Ella Schreiber's current submissions consist of a motion for summary judgment and her own affidavit. Her motion fails to conform with this court's procedures because she has not submitted a statement of proposed findings of fact or a supporting brief. In her motion,

Ella Schreiber states only that “there is no genuine issue as to any material fact” and that “she is entitled to judgment awarding her the entire insurance proceeds.” In lieu of a statement of proposed findings of fact, she “refers to the record in this matter including the complaint and the answers, and the attached affidavit.” Neither the complaint nor the answer is evidence, and Ella Schreiber’s affidavit cannot serve as a substitute for a statement of proposed facts. In this court’s “Helpful Tips for Filing a Summary Judgment Motion in Cases Assigned to Judge Barbara Crabb,” parties are advised that,

All facts necessary to sustain a party’s position on a motion for summary judgment must be explicitly proposed as findings of fact The court will not search the record for factual evidence. Even if there is evidence in the record to support your position on summary judgment, if you do not propose a finding of fact with the proper citation, the court will not consider that evidence when deciding the motion.

Because Ella Schreiber’s motion is not in compliance with the court’s procedures, it cannot be considered.

ORDER

IT IS ORDERED that defendant Ella Schreiber’s motion for summary judgment is

DENIED for her failure to file a motion in conformance with this court's procedures.

Entered this 22nd day of February, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge